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ABSTRACT

With over 50 percent of marriages ending in divorce, career counselors need to be aware of the special issues that confront partners who are contemplating, in the throes of, or in the aftermath of a divorce. This chapter explores the unique career issues individuals confront when involved in a divorce including issues related to: 1) divorce laws in California; 2) the supporting partner; 3) the supported partner; 4) the children; and 5) the career counselor as part of a professional team. It is the career counselor's responsibility to consider the unique situation faced by each divorced/divorcing client, and to keep informed about divorce laws and how they impact the career counseling process. Since divorce involves emotional, familial, legal and financial realities that overlap with career issues, the career counselor must remain sensitive to the individual needs of each client and make referrals and work as a team with other professionals when necessary. (GCP)

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by

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The Impact of Divorce on Career Development

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California Career Services

Goal

To explore the unique career issues individuals confront when involved in a divorce including issues related to: 1) divorce laws in California, 2) the supporting partner, 3) the supported partner, 4) children, 5) the career counselor as part of a professional team.

Introduction

With over 50% of marriages ending in divorce, career counselors need to be aware of the special issues that confront partners who are contemplating, in the throes of, or in the aftermath of a divorce. Many of the partners, whether they were supporting, supported, or equal contributors in producing income during the marriage, are still "walking wounded" as they trudge from the battles of divorce and confront the need to contemplate and decide upon new or transformed career paths. In many cases, because they may still be dealing with fear, anxiety, depression, and anger, they are not emotionally ready to make solid career choices, particularly if they are required to undergo a court-ordered vocational evaluation as opposed to making their own choice to utilize career counseling services.

However, usually, the further the partners are from separation, the more ready they are to consider career issues.

In addition, career issues are often influenced by legal statutes, financial/economic status, child-care considerations, medical problems, age, gender-related issues, and a host of other factors that require the career counselor to work in cooperation with other professionals in order to best serve the career needs of a divorcing/divorced client.

Career Counselor vs. Vocational Examiner

It is important to make a distinction between the role of career counselor and that of the vocational evaluator. While the career issues may be the same, the role of the counselor is different. Career counselors serve as client advocates, helping them form realistic career plans, encouraging them to dig deep to uncover their passions and skills, and guiding them to career fulfillment. Vocational evaluators serve as neutral information providers to the court, regarding employability and earning capacity. Evaluation reports often serve as helpful resources as clients formulate career plans. However, career counseling is often the by-product of the process, and not the primary goal.

Divorce Laws

California divorce laws, as they relate to career/work issues, have changed in recent years. As an unintended consequence of the women's movement, there is now legislation that each party in a divorce will make every effort to contribute to his/her own support as well as to the support of minor children. The legislature's intent in enacting the original statute in 1982 was, in part, to encourage parties to become self-supporting and less dependent on continuing financial ties to a failed relationship. Further legislation has been passed stating that in short-term marriages, or marriages of less than 10 years, the duration of spousal support will be half the length of the marriage.

In the late 1980's, cases such as *Marriage of Gavron* increased the use of the vocational examination as a process to make formerly supported partners aware of the obligation to demonstrate reasonable diligence in making efforts to contribute to their own support. Further, family code states that individuals in divorce cases must make "reasonable good faith efforts" at job training and placement and that these efforts may be one of the factors considered by the court as a basis for modifying or terminating spousal support.

Issues of the Supporting Partner

Especially with long-term marriages, one partner, usually the male, is the supporting partner the "payer," and the female is the supported partner. However, there are all kinds of variations, and we have seen many more men in the last few years who have been "house husbands."*

Often the supporting partner in a divorce may be in the process of reevaluating his entire life. He may become interested in spending more time with his young children. Or, if he is petitioning for joint custody, he may want to show that he is available to his children, and so he begins working fewer hours. Even if children are not involved, a supporting partner may want to make a career move that will lower his earnings, or he may want to retire and work part-time, or not at all.

On the other hand, often out of resentment or anger towards the estranged/former partner, supporting partners may play games to depress their incomes, so as not to pay as much or any spousal support. These games are often very hard to uncover, especially if the supporting partners have their own businesses, professional practices, or other complicated sources of income.

Issues of the Supported Partner

Sometimes, because of support payments, community and/or separate property, the supported partners do not financially need to work, and in many cases that involve young children, even if they may need extra money, they choose not to work until the children are older. Even when children are not a factor, supported partners may have no intention of going to work. The work of the career counselor in such legal cases is to determine employability and earning capacity of the client so that the court can impute income to the supported partner. How much

*Gender-specific pronouns are used to reflect the majority of cases in our practice.

could this person make if she were to go out into the workplace and look for a job? What education and training is needed, how long will it take and how much will it cost?

What may be viewed as punitive legislation by women of an older generation, is not necessarily true for a younger generation that has generally expected to be part of a dual wage-earning family. Not only have current societal norms changed women's long-term career vs. family expectations, but economic realities have also shifted, impacting the amount of time most women can afford to stay out of the work force. Many younger women were raised with the expectation that they would not only need to become financially self-sufficient, but that they would also benefit psychologically from working outside of the home. And, today's younger parents, either male or female, who opt out of the workforce to raise children, tend to view their exit as temporary. On the other hand, older women often viewed their roles as stay-at-home moms/wives with greater permanence, even after the children were raised and often with the approval and sometimes at the request or demand of their partners.

Age becomes a factor in a divorce, not only as it relates to the psychological/societal attitude of the partners in a divorce, but also as it applies to ageism in the workplace. Older partners or partners who have been out of the workforce for many years, often decades, are faced with a triple whammy: a minimum of recent work experience, a lack of computer proficiency, and a marketplace that often excludes older workers from entry-level positions.

Child-Related Issues

According to an article in the July 30, 2002 *Los Angeles Times,* in a Columbia Teachers College study sample of white, mostly middle-class families across the country, 55% of mothers were working full-time by the time their children were three months old, and 75% by the time their children were nine-months-old. Although many of those mothers are working because of financial need, studies conducted at the Wellesley Center for Research on Women show that women who juggle both family and work responsibilities often experience less stress and are more satisfied with their lives than women who stay home full-time. In addition, research shows that women with multiple roles, such as mother and wage earner have increased self-esteem and suffer fewer bouts of depression than full-time homemakers. Work offers women not only income but also adult companionship, social contact and a connection with the wider world that they cannot get at home.

While joining the workforce can be liberating for some women, those who are forced to do so, especially because of divorce, are often confronted with self-doubt and anxiety about their futures and in particular, their job-related skills. In addition, they are faced with the pressure of finding either full or part-time care for their children while they are riddled with guilt and/or worried about the well-being of their children who are usually feeling particularly vulnerable and insecure.

While this combination of self-doubt, anxiety and guilt can easily paralyze a client, the career counselor can provide the much needed encouragement and guidance to help the client break down all of these seemingly overwhelming concerns into do-able steps that can be tackled one at a time. Once the career counselor helps the client to identify transferable skills already developed, skills that need to be developed, and/or education and training needs, the client and counselor can begin to develop a realistic set of criteria for suitable employment that can begin to alleviate the client's anxiety and bolster her confidence. Ultimate success would be for the

career counselor and client to develop a plan that would combine work with minimal time away from children. But income requirements and employment options don't easily provide such a win/win scenario and this reality may be hard for clients to face. This is where the creativity and skill of the career counselor are critical.

Career Counselor as Part of a Professional Team

While career development is one significant area of life development, particularly in a divorce, the direction of career counseling is often influenced by existing issues including mental and/or physical health, financial status, and family issues that often require the assistance of a team of other professionals. Career counselors may interface with therapists, lawyers, physicians, accountants, previous employers, economists, college advisors, headhunters/employment agencies, and a other professionals to unravel the tangled issues involved in the career development of an individual facing divorce. The critical responsibility of career counselors in these situations is to recognize the role boundaries between the career professional and the host of other professionals, and to make appropriate referrals.

The following, a short summary of events in the life of one of our clients, illustrates the many factors that may affect the client who is being asked to consider career issues.

> During the five years prior to our separation, as throughout our marriage, I was a full time mom/wife. I took care of all of the daily household chores, including bill paying, laundry, shopping, cooking, transporting kids, etc. I have never balanced a checkbook or made a budget. My ex-husband was a manager earning in excess of $100,000 a year.
>
> I am currently going through menopause and have struggled with stress, carpal tunnel syndrome and Epstein Barr and have seen doctors about menopausal and rheumatic problems. I saw a family counselor and a psychiatrist until about a year ago, but I stopped for financial reasons. I was prescribed Prozac and Klonopin by the psychiatrist.
>
> My ex-husband and I had an agreement that I would stay home with our kids. We both grew up in homes where our mothers didn't work. I believe it is especially important to our kids now to have me around, since they see their father only a couple days a month. My kids are my first priority. I am determined to maintain consistency in lifestyle, security, home, etc. for them.

Before the client will be able to fully engage in the career process, there are tangential issues that she will need to address with other professionals. For example, there are very specific financial issues related to this case. It would behoove the client to meet with a CPA to sort out realistic future financial needs resulting from the divorce versus potential expectations or desires, since these do not always coincide.

This case also presents physical health issues that may impact the direction of career counseling. Not only is this client struggling with carpal tunnel syndrome, Epstein Barr, and rheumatic problems, but she is going through menopause. It will take a physician to determine

what, if any, work restrictions result from any of these health issues.

In addition to financial and physical health issues, this client is experiencing stress and has been seeing a psychiatrist who prescribed Prozac and Klonopin. Depending on the severity of the emotional issues, and whether they are interfering with career counseling, once again, a referral is warranted. It is very common for a client to work with both a career counselor and a therapist concurrently in order to address barriers impeding the achievement of career goals.

While making referrals, the career counselor should ascertain ways to begin developing a re-entry career plan with this client and may have to make referrals to college advisors. For example, this client left college during her senior year and during the divorce transition, she may be able to complete the remaining coursework for her degree on-line. Finishing her bachelor's would ultimately give her more options as well as opportunities for higher salaries and future advancement.

Career Counselor vs. Mental Health Practitioner

Referrals to therapists is of particular importance, and at times the role differentiation between career counselor and therapist can be difficult to separate. While there is certainly some overlap, there are some significant differences in the professional bodies of knowledge, theories, and skill sets required to fully assist clients. Career counselors play a critical role in the positive career development of their clients by helping them build or regain shaky confidence, recognize and apply their skills, uncover employment opportunities, research industry jobs, and take steps to explore career options.

At times career counselors may provide some of the counseling usually associated with mental health counselors. It is not uncommon for career clients to experience fear and some hesitation as they make important decisions or move in new directions. In order to provide effective career counseling, counselors should not only expect these issues, but should utilize counseling tools for helping their clients overcome these fears. However, despite the efforts of the career counselor, when a client is continually blocked or too depressed to make progress, it is time to refer to a therapist.

To illustrate the point even further, below is a list of examples of how career counselors differ from professional therapists.

1. Career counselors give advice and provide information for support and action. Therapists listen, reflect, and give feedback.
2. Career counselors take an active role as partner in shaping the course of each session in a goal-oriented manner. Therapists usually allow clients to shape each session and often take the role of active-listener.
3. Progress in career-counseling is very concrete. Clients are often assigned homework assignments geared toward the achievement of tangible job/career goals. Therapy can be less concrete. While homework may be a tool used by therapists, especially in behavioral therapy, progress is often subjective and cannot always be easily measured by concrete objectives. Progress in therapy may be embodied in an internal change such as recognition of more positive feelings or a more positive outlook.
4. Career counselors tend to be experts with extensive knowledge of the local labor market, self-assessment tools, resume writing, interview coaching, and job search strategies and

resources. Conversely, while therapists are often skilled at the self-assessment portion of career counseling, they generally don't have the career counselor's practical expertise. Therapists are an excellent resource when clients need help working through the barrier issues inhibiting them from achieving career goals. In addition, when career counselors are working with clients with serious mental health issues such as depression and/or, anxiety, it is their responsibility to refer clients to therapists and suggest that they come back for career services after they begin making progress on their mental health issues. Timing is crucial. Clients cannot focus on career change if they are dealing with unstable mental health.

Summary

The unique career issues people confront when involved in a divorce include the impact of California divorce laws (or the state in which the client resides) and the specific needs of the supporting/supported partner to contribute to his/her own support and the support of any minor children. The role of the career counselor is to identify specific issues and the degree of each client's readiness to fully engage in a career counseling process. In addition, the career counselor must often work as part of a professional team, making referrals to other professionals when necessary.

Conclusion

It is the career counselor's responsibility to consider the unique situation faced by each divorced/divorcing client, and to keep informed about divorce laws and how they impact the career counseling process. Since divorce involves emotional, familial, legal, and financial realities that overlap with career issues, the career counselor must remain sensitive to the individual needs of each client and make referrals and work as a team with other professionals when necessary.

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